

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Clifford James Schuett,

5 Petitioner

6 v.

7 United States of America,

8 Respondent
9

2:14-cr-00364-JAD-GWF-1

**Order Denying Habeas Petition and
Denying Motion to Subpoena**

[ECF Nos. 246, 247]

10 Petitioner Clifford James Schuett is imprisoned in Petersburg, Virginia,¹ while he serves a
11 75-month sentence—which he will follow with 3 years of supervised release—after he pled
12 guilty to one count of threatening to kill or cause damage by explosive.² He now petitions me, in
13 Las Vegas, Nevada, for habeas corpus relief under 28 U.S.C. § 2241.³ The government opposes
14 the petition because Mr. Schuett (1) is not entitled to habeas corpus relief under 18 U.S.C. §
15 3582(c); (2) has not exhausted his administrative remedies; and (3) is not under the District of
16 Nevada’s jurisdiction.⁴

17 As the Ninth Circuit explained in *Hernandez v. Campbell*, “motions to contest the legality
18 of a sentence must be filed under [28 U.S.C.] § 2255 in the sentencing court, while petitions that
19 challenge the manner, location, or conditions of a sentence’s execution must be brought pursuant
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24 ¹ FEDERAL BUREAU OF PRISONS, <https://www.bop.gov/inmateloc/> (last visited Oct. 23, 2017)
25 (search by name “Clifford James Schuett” or by his inmate number “01930-046”).

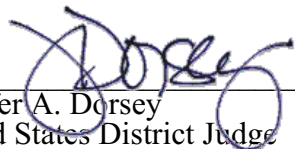
26 ² See ECF No. 213 at 2, 38–39.

27 ³ ECF No. 247.

28 ⁴ ECF No. 248.

1 to § 2241 in the custodial court.”⁵ As Schuett challenges the conditions of his confinement⁶ and
2 not the legality of the sentence I imposed on him, I do not have jurisdiction over his petition.
3 Because I don’t have jurisdiction, I do not address the merits of his petition or whether he
4 exhausted his administrative remedies. Accordingly, it is hereby ORDERED, ADJUDGED, and
5 DECREED, that Schuett’s petition for habeas corpus [ECF No. 247] is **DENIED**. IT IS
6 FURTHER ORDERED that Schuett’s motion to subpoena medical records [ECF No. 246] is
7 **DENIED as moot**.

8 DATED: October 24, 2017.

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Jennifer A. Dorsey
United States District Judge

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26 _____
27 ⁵ *Hernandez v. Campbell*, 204 F.3d 861, 864 (9th Cir. 2000).

28 ⁶ ECF No. 247.